MT LEGISLATIVE HISTORY

Chapter 43 19 61

Bill H 162 S _____ Original bill & hist. ___C

H. Committee on Jud. S. Committee on Jud.

Hearing Date(s)		C	Hearing Date(s)		C
	1/17	___C		2-3	___C
	1/21	___C		2-6	___C
	1/24	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C		_____	___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Original bills and minutes are located at the Montana Historical Society, 406-444-2681.

HOUSE BILLS REFERRED TO COMMITTEE ON JUDICIARY

Number	Date	Date Reported Out	In Sub-Comm.	As Amended	Do Pass	Do Not Pass	Be Concurred In.	Be Co
130	1-13-61	1-24-61	1-21-61 Murray	Be Re	ited + Placed on	General		D
112	1-13-61	1-24-61	1-21-61 Murray	Be Re	ited + Placed on	General		Or
123	1-13-61	1-14-61			✓			
126	1-13-61	1-25-61				✓		
127	1-13-61	1-24-61	1-21-61 Murray		✓			
128	1-13-61	1-24-61	1-21-61 Murray			✓		
Sub HB80	1-16-61	Out previously	Reported out		previously			
HB67	1-17-61	1-23-61	1-21-61 Jensen (Lake) & Bradford		✓			
155	1-17-61	1-24-61	1-21-61 Lucas		✓			
156	1-17-61	1-24-61	1-21-61 Lucas		✓			
157	1-17-61	1-30-61	1-27-61 Clerk Zarembski, Illinois Jensen (Lake)			✓		
161	1-17-61	1-21-61			✓			
162	1-17-61	1-24-61	1-21-61 Jensen (Lake)		✓			
165	1-17-61	1-24-61	1-21-61 Stanitz + Lucas		✓			
190	1-18-61	1-21-61			✓			

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Mr. Jensen of Lake was appointed by Mr. Haughey to study House Bill No. 157.

House Bill No. 161 was considered. Mr. Bradford moved, seconded by Mr. Dykstra that House Bill No. 161 Do Pass. Motion carried.

Mr. Jensen of Lake was appointed to a sub-committee to study House Bill No. 162.

Mr. Haughey appointed Mr. Lucas and Mr. Stimatz to study House Bill No. 165.

House Bill No. 190 was considered. Motion was made by Bradford and seconded by Murray that House Bill No. 190 Do Pass. Motion carried.

House Bill No. 191 was considered. Mr. Keller was appointed to study House Bill No. 191.

Mr. Blewett had a bill which he wanted the committee to sponsor and he explained the same. Motion was made by Murray and seconded by Dykstra that Mr. Blewett's bill be introduced as a committee bill. Motion carried.

Motion was made by Dykstra and seconded by Murray that the meeting be adjourned.

Meeting adjourned.

Haughey

JAMES M. HAUGHEY, CHAIRMAN

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January 23, 1961

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JUDICIARY COMMITTEE

Meeting of the House Judiciary Committee was held at 9:00 a.m. on Monday, January 23, 1961. Chairman Haughey presided.

Upon roll call all members present except Cerovski and Stimatz.

House Bill No. 67 was considered. Motion was made by Bradford and seconded by Dykstra that House Bill No. 67 Do Pass. Motion carried. Mr. Conklin registered a "No" vote on this motion.

House Bills No. 41, 53, and 65 were taken up but after brief discussion were passed for the day.

House Bill No. 162 was considered. Mr. Haughey appointed Mr. Bradford and Mr. Jensen of Lake to a sub-committee to study this bill further.

House Bill No. 87 was taken up. Mr. Dykstra explained this bill further. Stimatz and Dykstra were appointed to a sub-committee to look into possibility of introducing a substitute bill.

House Bill No. 97 was taken up. After brief discussion it was decided to pass this bill for the day.

House Bill No. 106 was considered. Motion was made by Dykstra and seconded by Jensen of Lake that House Bill No. 106 be taken from the Committee on Judiciary and referred to the Committee on Townships & Counties. Motion carried.

Mr. Murray reported that he would be ready to give a report on the following bills at the committee's next meeting: House Bill No. 112, No. 127, No. 128 and No. 130.

House Bill No. 155 and No. 156 were considered. Mr.

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JUDICIARY COMMITTEE MINUTES

Meeting of the House Judiciary Committee was held at 8:00 a.m. on Tuesday, January 24, 1961 in the Committee Room. Chairman Haughey presided.

Upon roll call all members were present except Blewett, who was e: Dykstra and Cerovski.

House Bill No. 62 was discussed. Proposed Substitute Bill was discussed. However, after brief discussion the bill was passed for the day.

House Bill No. 112 was considered. Mr. Murray explained this bill. He said that the Highway Patrol considers this bill the most important piece of legislation. Motion was made by Murray and seconded by Bradford that House Bill No. 112 Do Pass. Motion carried.

House Bill No. 127 was considered. Mr. Murray explained this bill. Motion was made by Murray and seconded by Bush that House Bill No. 127 Do Pass. Motion carried.

House Bill No. 128 was considered. Mr. Murray explained this bill. Motion was made by Murray and seconded by Bradford that House House Bill No. 128 Do Not Pass. Motion carried.

House Bill No. 130 was taken up. Motion was made by Murray that the committee reconsider its action on House Bill No. 112 and report House Bill No. 112 and House Bill No. 130 out with the recommendation "TO BE PRINTED AND PLACED ON GENERAL ORDERS". Motion carried.

House Bill No. 155 and House Bill No. 156 were considered. Mr. Lucas explained the same. Motion was made by Jensen of Lake and seconded by Bentz that House Bill No. 155 Do Pass. Motion carried.

Motion was then made by Jensen of Lake and seconded by Bentz that House Bill No. 156 Do Pass. Motion carried.

House Bill No. 162 was considered. Milo Jensen explained this bill. Motion was made by Bradford and seconded by Lucas that House Bill No. 162 Do Pass. Motion carried.

February 3, 1961.

SENATE COMMITTEE ON JUDICIARY

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The meeting of the Judiciary Committee was called to order by Chairman, Senator Mahoney, at 3:15 P. M. on February 3, 1961. The following committee members were present:

Senators: Mahoney Dussault, Cashmore, Cumming, Harken, McDonnell, McKenna.

Those excused Grieve and McKeon.

The following bills presented:

House Bill #155
&
156 - Mr. Haughey from Yellowstone County was present to discuss these bills with the committee. No action taken.

#211 - Mr. Haughey from Yellowstone County appeared to explain this bill. Discussion followed and no action was taken.

#162 - Heavy Highway or municipal construction regarding contracts and wages. John W. Bonner, representing The International Operating Engineers Chapters at Butte, Great Falls and Billings, was present in support of the bill. Jack Marlow, Secy. Montana Contractors, was present as a supporter. Elmer Schye, Rep. from Meagher County also present in support to his bill. After the proponents were excused a motion was made and seconded and then withdrawn and committee as a whole agreed to hold it.

#112 - Forwarding of licenses and conviction reports by courts. The following proponents were present and gave their views:
Alex Stephenson, Supt. Montana HiWay Patrol, Bob Mackay, Hiway Patrol; Paul Reynolds, attorney for Hiway Patrol; Mrs. Melgure, Montana Federation of Woman's Club; Mrs. Meath and Rep. Fred Broeder, Flathead. No opponents present. Cashmore made the motion that this bill be concurred in. McKenna seconded the motion. Carried and so

February 6, 1961.

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SENATE COMMITTEE ON JUDICIARY

The meeting of the Judiciary Committee was called to order by Chairman, Senator Mahoney, at 4:15 P.M. on February 6, 1961. The following committee members were present:

Senators: Mahoney, Dussault, Cumming, Harken, McDonnell, Grieve and McKenna and Mckeon.

Absent: Senator Cashmore.

The following bills presented:

Senate Bill #158 - Protect secret ballot of disabled elector. Harken recommended amendments. aA discussion followed. McKeon made the motion that the amendments be adopted and it was seconded by Grieve. Motion carried McKeon made the motion that the bill #158 do pass as amended. Harken seconded the motion. Motion carried and so ordered.

House Bill #162 - Heavy Highway or municipal construction regarding contracts and wages. This bill was held over from the last meeting. The same was read by Chairman Mahoney and amendments were recommended. Dussault made the motion that the amendments be adopted. Harken seconded. Motion carried. McDonnell made the motion that Bill #162 be concurred in as amended. McKenna seconded the motion Motion carried and so ordered.

House Bill #155 - Discussion followed and then McDonnell made the motion that the bill be concurred in. Seconded by McKeon. Motion carried and so ordered.

House Bill #156 - Discussion on Bill #155 also covered this bill. Motion made by Harken that the bill be concurred in. Grieve seconded the motion. Motion carried and so ordered.

House Bill #130 - Hold

February 6, 19 41

MR. PRESIDENT:

We, your Committee on Judiciary

having had under consideration House Bill No. 162

"AN ACT TO AMEND SECTION 41-701 OF THE REVISED CODES OF MONTANA, 1947, AS AMENDED BY SECTION 1, CHAPTER 32 OF THE SESSION LAWS OF 1955, AND TO AMEND SECTION 41-703 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO REQUIRING ALL CONTRACTS FOR STATE, COUNTY, MUNICIPAL, SCHOOL CONSTRUCTION, HEAVY HIGHWAY OR MUNICIPAL CONSTRUCTION, OR REPAIR WORK AND MAINTENANCE TO CONTAIN PROVISIONS REQUIRING PREFERENCE TO BONA FIDE RESIDENTS OF MONTANA AND DEFINING 'THE STANDARD PREVAILING RATE OF WAGES,' 'HEAVY HIGHWAY OR MUNICIPAL CONSTRUCTION' IN THE COUNTY ART AREA WHERE THE WORK IS BEING PERFORMED AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH, AND CONTAINING AN EFFECTIVE DATE."

Respectfully report as follows: That House Bill No. 162 be amended as follows:

Amend Sec. 1 - Line 6-Page 2 of the original bill, being line 16, Page 2 of the printed bill, by inserting a comma (,) after the words, "municipal construction"

Amend Sec.1-Line 7-Page 2 of the original bill, being line 18-Page 2 of the printed bill, by inserting a comma (,) after the word, "construction" and deleting the following words "as hereinafter defined"

And further amend Sec. 1-Page 2-Line 16 of the original bill, being Line 26, Page 2 of the printed bill by striking the comma (,) after the word, "construction" and inserting in lieu thereof a period (.) and by striking the remainder of line 16 commencing with the word "but" and striking all of Lines 19 through 32 of page 2 and all of Line 1 through to the word "thereof" on Line 17 of Page 3 of the original bill, being Line 28-Page 2 of [illegible] the printed bill through line 56-Page 3 of the printed bill to period after word "thereof" on Line 55.

And as amended

Be concurred in.

XXXXXXXX

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seat in the state to said federal highway system of federal aid roads where such county seat is not on said system, and *on* such other roads as have been or may be authorized by the laws of Montana, for the collection and enforcement of this act, *pursuant to the provisions of article XII, section 1 (b) of the constitution of the State of Montana;* provided, that the total cost to the state *for* administration, dissemination of public information, and engineering on the federal aid work contemplated by this act shall not exceed for any fiscal year eight per centum (8%) of the total of state, federal aid and other available funds expended under the supervision of the state highway commission, *which* said eight per centum (8%) shall be known as the administrative fund. Provided further that the expenditure for dissemination of public information *out of said administrative fund* shall not exceed an annual expenditure of *One Hundred and Twenty-Six Thousand Five Hundred Dollars ($126,500.00). It shall be the duty of the state highway commission, in expending such money, to carry forward construction from year to year, using the money expended through the matching up of federal aid allotments to Montana upon the said federal highway system of highways in the various parts of the state in accordance with the provisions of section 84-1817; provided that nothing in this act shall be construed to conflict with said federal aid highway acts and the rules by which they are administered. The state highway commission is authorized to enter into co-operative agreements with the national park service and the bureau of public roads for the purpose of maintaining national park approach roads in Montana.''*

Limitation on costs.

Limitation on cost of public information.

Duty of state highway commission to match federal aid.

Authority to enter into co-operative agreements.

Section 2. That section 84-1816 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1961.

CHAPTER 43

An Act to Amend Section 41-701 of the Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 32 of the Session Laws of 1955, and to Amend Section 41-

703 of the Revised Codes of Montana, 1947, Relating to Requiring All Contracts for State, County, Municipal, School Construction, Heavy Highway or Municipal Construction, or Repair Work and Maintenance to Contain Provisions Requiring Preference to Bona Fide Residents of Montana and Defining 'The Standard Prevailing Rate of Wages,' 'Heavy Highway or Municipal Construction' in the County and Area Where the Work is Being Performed and Providing Penalties for the Violation of This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith, and Containing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 41-701, Revised Codes of Montana, 1947, as amended by section 1, chapter 32 of the Session Laws of 1955, be amended to read as follows:

Public works contracts to provide for preference of Montana labor.

"41-701. (3043.1) **Preference of Montana labor in public works — Wage scale — Not to conflict with federal statutes.** In all contracts hereafter let for state, county, municipal, school construction, *heavy highway or municipal construction,* repair and maintenance work under any of the laws of this state there shall be inserted in each of said contracts a provision by which the contractor must give preference to the employment of bona fide Montana residents in the performance of said work, and that the said contractor must further pay the standard

Wage scale.

prevailing rate of wages in effect as paid in the county in which the work is being performed. 'Standard prevailing rate of wages,' as set forth herein, means those wages which are paid in the county by other contractors for the same type of work performed in such county under this act. *All contracts for work on heavy highway or municipal construction, other than building construction, shall contain the prevailing rate of wages as set by collective bargaining in effect in the areas covered by heavy and highway labor agreements. Heavy highway or municipal construction as intended herein is defined to be the construction substantially in its entirety of any fixed structure or other improvement, or any modification or alteration thereof, or addition thereto, or repair thereon, including not only the construction thereof but also the performance of any operation incident to such construc-*

Heavy highway or municipal construction defined.

tion or to any contract therefor, excepting always, however, that work which is commonly called building construction. No contract shall be let to any person, firm, association or corporation refusing to execute an agreement with the above-mentioned provisions in it; provided that, in contracts involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged soldiers, sailors and marines, and prohibiting as unlawful any other preference or discrimination among citizens of the United States.''

Contracts involving federal funds.

Section 2. That section 41-703, Revised Codes of Montana, 1947, be and the same is amended to read as follows:

Amending clause.

''41-703. (3043.3) **Penalty for violation of act.** If any person, firm or corporation shall fail to comply with the provisions of this act, the state, county, municipal or school officers who have executed the contract shall retain *one thousand dollars ($1,000.00)* of the contract price as liquidated damages for the violation of the terms of the contract and said money shall be credited to the proper funds of the state, county, municipal or school districts *and any firm or corporation violating the provisions of this act shall have his or its license suspended by the state board of equalization in the manner prescribed by section 84-3510, Revised Codes of Montana, 1947, for a period of one year after the date of final judgment of said violation by any district court or the supreme court. Whenever any action, shall have been instituted in any district court in this state against any person, firm or corporation for the violation of this act, the court in which said action is pending, shall be and it is hereby authorized to issue an injunction to restrain any such person, firm or corporation from proceeding with his or its contract with the state, county, municipal or school districts, pending the final determination of said action so instituted.* In all contracts entered into under the provisions of this act at least *one thousand dollars ($1,000.00)* of the contract price shall be withheld at all times until the termination of the contract.''

Penalty for violation.

Suspension of license.

Injunction.

Withheld contract payment.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Effective immediately.

Section 4. This act shall be in full force and effect upon its passage and approval.

Approved February 23, 1961.

CHAPTER 44

An Act Providing for Hide Certificates, Recording of Certificates and Identification of Hides; Providing Definitions; Amending Section 46-1102, Revised Codes of Montana, 1947, Providing a Misdemeanor Penalty for Falsifying a Hide Certificate or Failing to Affix the Required Identification Tag; Amending Section 46-1106, Revised Codes of Montana, 1947, by Excluding Licensed Slaughterhouses From Hide Licensing Requirements; Amending Section 46-1107, Revised Codes of Montana, 1947, by Providing a License Fee of Five Dollars ($5.00) for a Hide Dealer or Buyer, to be Paid to the Livestock Commission Fund; Providing a Misdemeanor Penalty for Acting as a Hide Dealer or Buyer Without a License; Providing for Revocation of Such License Upon Conviction; Repealing Sections 46-1101, 46-1108, 46-1109, 46-1110, 46-1111, 46-1112 and 46-1113, Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions:**

"Animal hide." (a) *"Animal hide" means the hide of any cattle, horse, mare, colt, mule, jack or jenny.*

"Commission." (b) *"Commission" means the livestock commission of the State of Montana.*

"Seller." (c) *"Seller" means any person selling or delivering animal hides for or without a pecuniary consideration.*

"Inspector." (d) *"Inspector" means any sheriff or deputy sheriff, any state stock inspector or deputy state stock inspector appointed by the livestock commission.*

"Hide certificate." (e) *"Hide Certificate" means a certificate showing a transfer of ownership of animal hides.*

Section 2. *Hide Certificate—Identification. A seller of*